



STATE OF NEW JERSEY

Board of Public Utilities

Two Gateway Center

Newark, NJ 07102

www.bpu.state.nj.us

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF)	RENEWAL
CABLEVISION OF OAKLAND, LLC FOR)	CERTIFICATE OF APPROVAL
RENEWAL OF A CERTIFICATE OF APPROVAL)	
TO CONTINUE TO OPERATE AND MAINTAIN)	
A CABLE TELEVISION SYSTEM IN THE)	
BOROUGH OF FRANKLIN LAKES, COUNTY)	
OF BERGEN, STATE OF NEW JERSEY)	

DOCKET NO. CE01060381

Service List Attached

BY THE BOARD:

On October 12, 1984, the Board granted UA-Columbia Cablevision of New Jersey ("UA-Columbia") a Certificate of Approval, in Docket No. 848C-7085, for the construction, operation and maintenance of a cable television system for the Borough of Franklin Lakes ("Borough"). On October 22, 1984, the Secretary of the Board issued a letter of amendment to the Certificate of Approval indicating that the term granted by the Borough was fifteen years, not ten years as indicated in the Certificate of Approval. Subsequently, UA-Columbia underwent internal restructuring and was doing business as United Artists Cable of New Jersey ("United Artists"). In Docket No. CO92080822, United Artists informed the Board that it would do business as TCI of Northern New Jersey ("TCINNJ"). On November 16, 1992, the Board approved the petition and recognized the name change. TCINNJ underwent further restructuring and informed the Board that it would no longer use the name Micro-Cable Communications Corp. and would now use the corporate name of TCI of Northern New Jersey, Inc. ("TCINNJ, Inc.").

On December 17, 1997, the Board approved the transfer of the Certificate of Approval for the Borough from TCINNJ, Inc. to Cablevision of Oakland, Inc. ("Cablevision"), in Docket No. CF97090674. On January 25, 2002, Cablevision informed the Board that, as part of an internal reorganization approved by the Board on January 3, 2002, in Docket No. CO00030182, it would now be known as Cablevision of Oakland, LLC ("Petitioner"). Although the Petitioner's above referenced Certificate expired on October 12, 1999, it is authorized to continue to provide cable service to the Borough pursuant to N.J.S.A. 48:5A-25, pending disposition of proceedings regarding the renewal of its Certificate of Approval.

The Petitioner filed an application for the renewal of its municipal consent with the Borough on February 4, 1999, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Borough, after public hearing, adopted a municipal ordinance granting renewal consent on February 14, 2001 for a term of ten years. On February 21, 2001, the Petitioner formally rejected the ordinance.

On June 18, 2001, pursuant to N.J.S.A. 48:5A-17(d), the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Borough. The Petitioner alleged that the Borough had been arbitrary and capricious in its grant of municipal consent in that the ordinance contained provisions not agreed to by the parties. On July 26, 2001, the Borough filed its answer to the petition.

Subsequently, the parties engaged in settlement discussions, which on March 12, 2003, resulted in settlement by way of a municipal ordinance granting renewal consent to the Petitioner for a term of ten years from the date of issuance of this Certificate. On May 13, 2003, the Petitioner formally accepted the terms and conditions of the ordinance in accordance with N.J.S.A. 48:5A-24. On June 30, 2003, the Petitioner filed an amended petition with the Board.

The Board has reviewed the application for municipal consent, the petition and amended petition for a Renewal Certificate of Approval and the municipal consent ordinances. Based upon this review and the recommendation of the Office of Cable Television, the Board **HEREBY FINDS** the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Renewal Certificate of Approval. Further, the Borough reviewed these qualifications in conjunction with the municipal consent process.
2. The design and technical specifications of the system shall ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is ten years from the date of issuance of this Certificate. The Board finds this period to be of reasonable duration.
5. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates and promptly file any revisions thereto.
6. Pursuant to statutory requirements, the ordinance specifies a complaint officer to receive and act upon complaints filed by subscribers in the Borough. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with the applicable rules.
7. The Petitioner shall maintain a local business office or agent for the purpose of

receiving, investigating and resolving complaints. The current local office is located at 40 Potash Road in the Borough of Oakland, New Jersey.

8. The franchise fee to be paid to the Borough is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Borough. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
9. The Petitioner shall install cable in all residences in the Borough at tariffed rates for standard and non-standard installation. Commercial establishments shall be constructed in accordance with the Petitioner's commercial line extension policy attached to this Certificate as Appendix "I".
10. The Petitioner shall provide public, educational and governmental ("PEG") access channels and facilities in accordance with its renewal application and the ordinance. Specifically, the Petitioner provides two channels for PEG access use by the Borough and other entities in the region for non-commercial PEG access usage. The ordinance requires that, upon completion of the upgrade, the Petitioner shall provide the Borough with a composite PEG access channel for dedicated use. The Petitioner has confirmed that this has been completed.
11. Upon request of the Borough, the Petitioner shall provide, deliver and install the following PEG access equipment at a public location: a) three S-VHS 1/3 CCD Camcorders with Camera Control Units; b) three Shore laval microphones and necessary cables; c) one Panasonic editing controller; d) one Panasonic S-V.S. editing player; e) one Lowell Lighting Kit; f) one Panasonic MX 12 switcher and audio board; g) one Videodisc TM 3000 character generator; h) two 19 inch Panasonic color TV monitors; and i) one Bugged tripod with dolly.
12. The Petitioner shall maintain access studios for use by interested groups for production of PEG access programming which shall have the minimum equipment and hours as specified in the ordinance. Use of the access studios, equipment and editing facilities shall be made available free of charge to interested groups on a first-come first-served basis. The Petitioner shall also provide some remote equipment for use on field shoots. The Petitioner shall provide technical advice and assistance, free of charge. The Petitioner shall provide access training for Borough residents.
13. Within 60 days of the date of issuance of this Certificate, the Petitioner shall provide the Borough with a one-time contribution in the amount of \$15,000.00 to be used by the Borough to establish a fund for any cable and/or telecommunications purpose in the municipality. Upon completion of this provision, the Petitioner shall submit proof to the Office of Cable Television indicating its compliance with this provision.

14. The Petitioner shall provide the standard installation and monthly expanded basic service, free of charge, on up to three outlets in the library, Borough hall and up to one outlet in all other municipality-owned buildings, if requested. Additional outlets shall be installed on a materials plus labor basis; however, monthly service charges shall be waived.
15. The Petitioner shall provide the standard installation and monthly basic service, free of charge, on up to three outlets at each Borough school building and the Board of Education Administration building.
16. Upon request, the Petitioner shall provide, free of charge, one high-speed cable modem and monthly Internet access service, including standard installation, to each public school and the municipal library in the Borough.
17. The Petitioner shall provide, free of charge, one high-speed cable modem and monthly Internet access service, including standard installation, to the municipal building.
18. The Petitioner shall implement a 10% discount off the monthly rate for basic service for senior citizens who meet the income and residency requirements of the Pharmaceutical Assistance to the Aged and Disabled ("PAAD") program.

Based upon these findings, the Board **HEREBY CONCLUDES**, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has the municipal consent necessary to support the petition, that such consent and issuance thereof are in conformity with the requirements of N.J.S.A. 48:5A-1 et seq., that the Petitioner has complied or is ready, willing and able to comply with all applicable rules and regulations imposed by or pursuant to State or federal law as preconditions for engaging in the proposed cable television operations, that the Petitioner has sufficient financial and technical capacity, meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment, and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is **HEREBY ISSUED** this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Borough.

This Renewal Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein. The Petitioner shall adhere to the standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. §76.1 et seq., including but not limited to, the technical standards of 47 C.F.R. §76.601 through §76.630. Any modifications to the provisions thereof shall be incorporated into this Certificate.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire ten years from the date of its issuance.

DATED: September 25, 2003

BOARD OF PUBLIC UTILITIES
BY:

(signed)

JEANNE M. FOX
PRESIDENT

(signed)

FREDERICK F. BUTLER
COMMISSIONER

(signed)

CAROL J. MURPHY
COMMISSIONER

(signed)

CONNIE O. HUGHES
COMMISSIONER

(signed)

JACK ALTER
COMMISSIONER

ATTEST:

(signed)

KRISTI IZZO
SECRETARY

SERVICE LIST

Sidney Sayovitz, Esq.
Schenck, Price, Smith and King
10 Washington Street
Morristown, NJ 07963

Sally Bleeker
Borough Clerk
Borough of Franklin Lakes
De Korte Drive
Franklin Lakes, NJ 07417

Adam Falk, Esq.
Cablevision
1111 Stewart Avenue
Bethpage, NY 11714

Celeste M. Fasone
Director
Office of Cable Television
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

Karen A. Marlowe
Coordinator, State and Local Planning
Office of Cable Television
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102